

Regular Session, 1999

HOUSE CONCURRENT RESOLUTION NO. 9

BY REPRESENTATIVE TRAVIS

SUITS AGAINST ST/CLAIMS: Authorizes Meeks Land and Timber Co. to file suit against the state through the division of administration, state land office

1 A CONCURRENT RESOLUTION

2 To authorize Meeks Land and Timber Company to file suit or to prosecute any
3 suit now pending against the state of Louisiana through the division of
4 administration, state land office, concerning a claim of ownership or
5 possession, or both, of present or former water bottoms under or in the
6 vicinity of the middle fork of Thompson Creek in West Feliciana
7 Parish, and concerning the ownership of and the rights to the minerals
8 associated with those water bottoms, and to provide for related matters.

9 WHEREAS, Meeks Land and Timber Company is currently involved
10 in a dispute with the state of Louisiana concerning certain present and former
11 water bottoms and the ownership of and the rights to the minerals associated
12 with those water bottoms; and

13 WHEREAS, Meeks Land and Timber Company either has filed or
14 intends to file a lawsuit to seek a judicial resolution of this dispute; and

15 WHEREAS, it appears that this matter does not fit within the waiver of
16 immunity of the state from suit and liability in contract or tort provided in
17 Article XII, Section 10 of the Constitution of Louisiana; and

1 WHEREAS, Article XII, Section 10 of the Constitution of Louisiana
2 does authorize the legislature to waive the state's immunity from suit and
3 liability in other matters.

4 THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that
5 Meeks Land and Timber Company, LLC, a Louisiana Limited Liability
6 Company, is hereby authorized to initiate and prosecute a suit or suits against
7 the state of Louisiana, through the division of administration, state land office,
8 concerning claims of ownership or possession, or both, of certain present or
9 former water bottoms which are under or in the vicinity of the Middle Fork of
10 Thompson Creek in West Feliciana Parish, and concerning the ownership of
11 and the rights to the minerals associated with those water bottoms.

12 BE IT FURTHER RESOLVED that Meeks Land and Timber Company
13 is authorized to prosecute any presently pending suit or suits arising out of the
14 above-described dispute.

15 BE IT FURTHER RESOLVED that Meeks Land and Timber Company
16 is authorized to initiate, prosecute, or defend any ancillary actions arising out
17 of the above-described dispute.

18 BE IT FURTHER RESOLVED that immunity of the state from suit and
19 liability in the above-described dispute is hereby waived.

20 BE IT FURTHER RESOLVED that service and citation for any and all
21 suits authorized by this Resolution shall be made on the attorney general of the
22 state of Louisiana and on the commissioner of administration.

23 BE IT FURTHER RESOLVED that any and all of the suits authorized
24 by this Resolution must be brought in the Twentieth Judicial District Court.

25 BE IT FURTHER RESOLVED that except as is provided in this
26 Resolution, the procedure to be followed in any suit filed or prosecuted under
27 the authority of this Resolution shall be the same as in suits between private
28 litigants.

1 BE IT FURTHER RESOLVED that the authorization of suit and the
2 waiver of immunity from suit and liability effected by this Resolution shall not
3 confer upon Meeks Land and Timber Company any different or greater right
4 or cause of action than the rights and causes which existed prior to the
5 adoption of this Resolution.

6 BE IT FURTHER RESOLVED that the commissioner of administration
7 may compromise and settle any claim which is raised in any suit authorized
8 by this Resolution. Any compromise or settlement shall require the advice and
9 concurrence of the attorney general.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Travis

HCR No. 9

Authorizes Meeks Land and Timber Company to initiate and prosecute a suit or suits, to prosecute pending suits, and to initiate, prosecute, and defend ancillary actions against the state, through the commissioner of administration, concerning a dispute over ownership or possession, or both, of certain present or former water bottoms located under or in the vicinity of Thompson Creek in West Feliciana Parish, and concerning the ownership of and the rights to the minerals associated with those water bottoms.

Waives immunity of the state from suit and liability in that dispute.

Provides for service and citation on the commissioner of administration and the attorney general.

Provides that suits must be brought in the 20th Judicial District Court.

Provides that the procedure to be followed is the same as for suits between private litigants.

Provides that the waiver of immunity from suit and liability does not give Meeks Land and Timber Company any different or greater right or cause of action than it had before the adoption of this Resolution.

Authorizes the commissioner of administration to settle disputes against that agency. Any settlement requires the advice and concurrence of the attorney general.